

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FRANK HYMAN**

:

**Plaintiff,**

:

**Civil Action**

**v.**

:

**10-499**

**COMMISSIONER LOUIS GIORLA,  
et. al.**

:

:

**Defendants.**

:

**ORDER**

**AND NOW**, this 5<sup>th</sup> day of March 2014, upon consideration of defendants' motion for summary judgment (doc. no. 53) and plaintiff's response (doc. no. 54) thereto, **IT IS**

**HEREBY ORDERED:**

1. Defendants' motion for summary judgment is **GRANTED** as to **COUNT II** of plaintiff's complaint;
2. Defendants' claims against the individual defendants in their official capacities are **DISMISSED**;
3. Defendants' motion is otherwise **DENIED**;
4. Count I of plaintiff's complaint shall proceed to trial against the City of Philadelphia and the individual defendants in their individual capacities.

**BY THE COURT**

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.